

# STATE OF NEW YORK

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6289

2023-2024 Regular Sessions

## IN SENATE

April 11, 2023

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Introduced by Sen. ASHBY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to incorporate the Salem Volunteer Fire Department Benevolent Association, and providing for its powers and duties

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Incorporation; membership. A not-for-profit corporation by  
2 the name of the "Salem Volunteer Fire Department Benevolent Association"  
3 is hereby created. It shall be composed of such persons eligible to  
4 membership therein as shall be provided pursuant to the provisions of  
5 this act and shall (a) notify the secretary of the Salem Volunteer Fire  
6 Department, Inc., a volunteer fire company, in writing prior to the  
7 organization meeting hereinafter provided for of the corporation created  
8 by this act of their desire to become members, or (b) attend such meet-  
9 ing or an adjournment thereof and signify their intention of becoming  
10 members of such corporation at such meeting, or (c) notify the secretary  
11 of the corporation hereby created in writing within sixty days after his  
12 or her election of their desire to become members thereof, and also such  
13 persons so eligible as may thereafter become members of such corporation  
14 pursuant to its by-laws.

15 § 2. Persons eligible for membership. All persons who are now, or have  
16 been, or hereafter shall be active volunteer members of the Salem Volun-  
17 teer Fire Department, Inc. in the county of Washington, and who have  
18 acquired or shall hereafter acquire the status of exempt volunteer fire-  
19 fighter as defined in section 200 of the general municipal law by virtue  
20 of having rendered service in the Salem Volunteer Fire Department, Inc.,  
21 and all persons who are now or hereafter shall be active volunteer  
22 members of the Salem Volunteer Fire Department, Inc., shall be eligible  
23 for membership in the corporation created by this act, except that any  
24 firefighter who has been removed for cause, expelled or dropped from the  
25 rolls of the Salem Volunteer Fire Department, Inc., and who has not been

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 reinstated therein, shall not be eligible for membership in such corpo-  
2 ration. The membership of any person in such corporation shall terminate  
3 upon the withdrawal of such person as an active volunteer member of the  
4 Salem Volunteer Fire Department, Inc. prior to the actual performance by  
5 such person of five years' service as an active volunteer member of the  
6 Salem Volunteer Fire Department, Inc. Paid firefighters, if any, in the  
7 Salem Volunteer Fire Department, Inc., shall not be eligible for member-  
8 ship in the corporation.

9 § 3. Purposes. The purposes of the corporation created by this act  
10 are: to provide relief, aid and assistance to the volunteer members of  
11 such corporation who are indigent or disabled or injured in the perform-  
12 ance of their duties, and their families; to maintain a suitable head-  
13 quarters for the members of the corporation; to promote and safeguard  
14 the welfare of the volunteer members of the corporation, and their fami-  
15 lies; to provide for the health and safety of the volunteer members of  
16 the corporation; and to enhance the morale of the volunteer members of  
17 the corporation by providing social and recreational activities for the  
18 volunteer members of the corporation, and the promotion of the volunteer  
19 fire service within the territory protected by the Salem Volunteer Fire  
20 Department, Inc.

21 § 4. Powers and duties. Such corporation shall have all the powers of  
22 a not-for-profit corporation, and the provisions of law relating to  
23 not-for-profit corporations shall apply to such corporation except where  
24 they conflict with the provisions of this act. However, unless the writ-  
25 ten approval of the applicable governmental entity or department shall  
26 have first been obtained, such corporation shall not establish and main-  
27 tain any home or institution which, if separately incorporated, would  
28 require the approval of such department or governmental entity.

29 § 5. Organization meeting; by-laws. The secretary of the Salem Volun-  
30 teer Fire Department, Inc. shall call a meeting for the organization of  
31 such corporation to be held not later than sixty days after this act  
32 takes effect, notice of which shall be given by the secretary by posting  
33 or causing to be posted a notice thereof in five conspicuous places  
34 within the territory protected by the Salem Volunteer Fire Department,  
35 Inc. and also by publication of notice thereof in one or more newspapers  
36 having a general circulation within such territory and also by conspicu-  
37 ously posting such notice on the fire company's internet website. Such  
38 posting and publication shall be effectuated at least ten days prior to  
39 the date of such meeting. At such meeting or any adjournment thereof,  
40 the members of such corporation present shall adopt by-laws and elect  
41 officers and directors to serve until the first annual meeting which  
42 shall be held on a date to be fixed by the by-laws. Any member failing  
43 to comply with the by-laws, rules or regulations duly adopted by such  
44 corporation shall be subject to suspension and expulsion in such manner  
45 as may be provided for in such by-laws. Any members who cease to be  
46 such, voluntarily or otherwise, shall forfeit all interest in the prop-  
47 erty of such corporation.

48 § 6. Control and disposal of funds and property. The control and  
49 disposal of the funds and property of said corporation, the exercise of  
50 its powers, and the management and control of its affairs, except as  
51 hereinafter provided, shall be vested in and exercised by a board of  
52 trustees which shall consist of no less than seven members of the corpo-  
53 ration, to wit: the president, the vice-president, the secretary and  
54 treasurer and three other members having the title of trustee. Such  
55 officers and trustees shall be elected at the annual meeting of such  
56 corporation in the manner prescribed by its by-laws.

1     § 7. Precept for payment of foreign fire insurance premium taxes. Such  
2 corporation shall collect and there shall be paid to it all taxes  
3 imposed by section 9104 of the insurance law for fire department use and  
4 benefit, upon premiums for insurance against loss or damage by fire  
5 covering property protected by the Salem Volunteer Fire Department,  
6 Inc., in the county of Washington, or within any duly organized territo-  
7 ry in which the Salem Volunteer Fire Department, Inc. is or may be obli-  
8 gated to render fire protection. The officer of said corporation desig-  
9 nated by its by-laws to collect and receive the aforesaid tax shall have  
10 all the powers and be subject to all the provisions of the insurance  
11 law, relating to treasurers of fire departments. Such corporation shall  
12 also be entitled to receive a share of the tax imposed by section 9105  
13 of the insurance law, based upon the business written in the territory  
14 with respect to which it is entitled to collect and receive the tax  
15 under section 9104 of the insurance law. Such taxes shall only be used  
16 by the corporation in furtherance of its purposes as set forth in  
17 section three of this act.

18     § 8. This act shall take effect immediately; provided, however, that  
19 the provisions of section seven of this act shall apply to taxes due on  
20 premiums received on and after January 1, 2024.